

REMARKS

Upon entry of the foregoing amendment, claims 1-58 and 92 are cancelled and claims 59-91 and 93-131 are pending in this application. Claims 93 and 94 are under examination. Claims 59-91 and 95-131 are withdrawn from examination as being directed to a non-elected invention. See, reply to restriction requirement set forth below.

Support for the amendments to claims 93 and 94 is found, for example, in claims 93 and 94 as filed; on page 9, lines 26-31; page 17, line 26 through page 18, line 31; and elsewhere throughout the specification.

REPLY TO RESTRICTION REQUIREMENT

The Official Action has required the election of one of the following groups:

Group I, Claims 59-65, 67, 95-108 and 110, drawn to an isolated protein complex comprising a first protein which is Tsg101 or a homologue or derivative or fragment thereof interacting with a second protein which is a retrovirus Gag polypeptide containing the P(T/S)AP late domain motif or a homologue or derivative or fragment of said retrovirus Gag polypeptide; and a solid support comprising a protein complex immobilized thereon, classified in class 424, subclass 192.1;

Group II, Claims 66 and 109, drawn to a method for making the protein complex, classified in class 435, subclass 69.1;

Group III, Claims 68-72, 79-88, 111-119 and 127-131, drawn to a method for selecting a molecule that modulates the interaction between the first and second protein in the protein complex, classified in class 435, subclass 7.1;

Group IV, Claims 73-78 and 120-126, drawn to a composition comprising expression vectors encoding the first and second protein of the protein complex; and a host cell comprising the expression vectors, classified in class 435, subclass 320.1;

Group V, Claims 89-91, drawn to a method for inhibiting HIV viral budding from a host cell, classified in class 435, subclass 375; and

Group VI, Claims 92-94, drawn to the use of a compound of binding Tsg101 protein and interfering with the interaction between Tsg101 and HIV Gag in inhibiting HIV budding, treating HIV infection or preventing AIDS, classified in class 424, subclass 9.1.

Application Serial No.: 10/666,997

In responding to the restriction requirement, applicants hereby elect, with traverse, Group VI, Claims 92-94. As discussed above, claim 92 is newly cancelled herein and claims 93 and 94 are newly amended herein.

The above election is being made with traverse. In particular, Applicants respectfully submit that the search and examination of all currently pending claims would not pose an undue burden on the Examiner. Section 803 of the Manual of Patent Examining Procedure states that “[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.”

Contrary to the position of the Office, no serious burden would exist if the Examiner rejoined the claims and searched the invention as a whole. For example, a search of Group V, directed to a method for inhibiting HIV viral budding from a host cell would encompass a search of Group VI, directed to the use of a compound binding TSG101 and interfering with the interaction between TSG101 and HIV Gag in inhibiting HIV budding, treating HIV infection or preventing AIDS. Further, a search of HIV and Gag protein would uncover art directed to methods of making the protein complex (Group II), the protein complex (Group I), molecules which modulate the interaction between the first and second protein in the protein complex (Group III) and expression vectors useful for making the proteins of the protein complex (Group IV). Thus, contrary to the Office, no serious search burden on the Examiner exists. In view of the above, Applicants respectfully request examination of all currently pending claims.

In responding to the restriction/election of species requirement, Applicants take no position regarding whether the claims of the various groups and species identified in the Official Action define distinct inventions.

CONCLUSION

In light of the above, Applicants believe that this application is now in condition for examination on the merits. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

November 30, 2006

Date

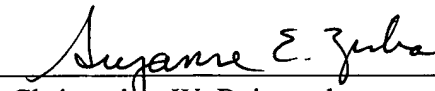
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Respectfully submitted,

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